THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.309 OF 2006

Dated 14th November, 2007

Between:

Paper clipping of "The Hindu" and
"Times of India" English News Paper
dated 03-01-2006 …Petitioner

and

The Superintendent, Niloufer Hospital
And five others …
Respondents

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.309 OF 2006

O R D E R (Per Hon'ble Sri Bilal Nazki, the Acting Chief Justice):

This writ petition was entertained by this Court in public interest on the basis of a newspaper clipping, dated 03-01-2006.

A child was admitted, immediately after her birth, into Niloufer Hospital, where it was stated that the child needed a care in an incubator. Since incubators were not available, a mechanism was developed to make available particular rays to the child by putting an electric bulb over the head of the child. The bulb got burst, which resulted in burns to the child and ultimately death. After this case, the Court passed various orders in the anxiety to see that the facilities in all Government Hospitals are improved and

Sri B.Krishna Mohan was also appointed as amicus curiae, who has also filed a report. It is stated at the bar by Sri B.Krishna Mohan, amicus, that most of the suggestions given by him in the report have already been carried by the Government and some of the suggestions are yet to be carried. The learned Advocate-General, who appeared in the matter, last occasion sought time to seek instructions from the Government. The learned Advocate General, today, submits that the Government is prepared to give an

ex gratia of Rs. 1,00,000/- to the parents of the deceased child. We had also seen the report of the Sub-Inspector, who had investigated the

case and found that there was no negligence in the case. We were not satisfied with this report so is not the learned Advocate-General. Therefore, he stated that a fresh investigation shall be carried in the matter by an Officer not below the rank of Deputy Commissioner of Police.

Therefore, we dispose of this writ petition with the following directions-

(1) that an amount of Rs.1,00,000/- (Rupees one lakh only) shall be paid to the family of the deceased child within a period of four weeks from today;

(2) that the investigation to be made by the Deputy Commissioner of Police shall also be completed within a period of four weeks from today and the report shall be filed by the Deputy Commissioner of Police before the Magistrate concerned and

(3) as regards the suggestions given by the amicus, Sri B.Krishna Mohan, which have not been complied with so far, the Chief Secretary shall appoint a Committee and the Committee shall decide the programme of implementation of these suggestions within a period of four weeks.

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Bilal Nazki, ACJ

Dated 14th November, 2007

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Ramesh Ranganathan,J

Note: Registry to issue copy of this order immediately.